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ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0066

P.C. DATE: September 10, 2013

ADDRESS: 1311 East 12th Street

AREA: 0.2703 acres

OWNER: Four Springs Investments, LLC (Darrell Pierce)

AGENT: City of Austin (Jerry Rusthoven)

FROM: Family residence-neighborhood conservation combining district neighborhood plan (SF-3-NCCD-NP) combining district zoning

TO: Neighborhood commercial district-mixed use-neighborhood conservation combining district-neighborhood plan (LR-MU-NCCD-NP) combining district zoning

NEIGHBORHOOD PLAN AREA: Central East Austin

TIA: Not required

WATERSHED: Boggy Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SUMMARY STAFF RECOMMENDATION:

Staff recommends Neighborhood commercial district-mixed use-neighborhood conservation combining district-neighborhood plan (LR-MU-NCCD-NP) combining district zoning.

URBAN RENEWAL BOARD RECOMMENDATION:

August 19, 2013: *TO SUPPORT THE REZONING REQUEST AS COMPATIBLE WITH THE URBAN RENEWAL PLAN. (4-0-3) (S. KIRK, J. BABB- 2ND; (M. CLARK-MADISON, C. DE LA FUENTE-VALADEZ, G. SMITH – ABSENT)*

PLANNING COMMISSION RECOMMENDATION:

September 10, 2013:

ISSUES:

This is a City-initiated corrective rezoning request, filed by the Planning and Development Review Department, and has been filed concurrent with the associated Neighborhood Plan Amendment (NPA) and Urban Renewal Plan (URP) amendment. The corrective rezoning is of a single lot zoned SF-3-NCCD-NP, which appears to have been assigned in error during the development of the East 12th Street Neighborhood Conservation Combining District (NCCD) in 2008.

DEPARTMENT COMMENTS:

The subject property is located on south side of East 12th Street, slightly east of San Bernard. Please refer to Exhibits A and B (Zoning Map and Aerial View). 1311 East 12th Street has been used as a parking lot for the adjacent property to the west, 1309 East 12th (a beauty/ barber shop) for 20+ years, as verified by City records. In recent years, the building has been used as accessory meeting rooms for Kings Tears Mortuary, and the parking has served the meeting rooms and mortuary. 1309 E. 12th

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Street does not have any other parking, and is zoned LR-MU-NCCD-NP. These two lots are effectively considered a single site development. The property to the east, 1315 East 12th Street is zoned SF-3-NCCD-NP, and is used as a residence. The subject property has no land use other than accessory parking to the commercial use at 1309 East 12th Street.

When the NCCD ordinance was created in 2008, 1311 East 12th Street was not listed as a distinct lot or tract, although the tracts on either side of it—1309 and 1315—were specifically identified and assigned updated zoning classifications. City staff has confirmed that not every possible street address is always listed in NCCD and traditional zoning ordinance, especially if two lots share a common mailing address or site development – for example, a business and its associated parking lot. It appears the lot was missed in error, since a parking lot typically does not have a mailing address. Please refer to Exhibit C (NCCD Zoning Ordinance).

The City has initiated rezoning the property to correct the zoning of 1311 East 12th Street, which has functioned as part of a cohesive commercial development since prior to development of the NCCD. The proposed LR-MU-NCCD-NP zoning will match the zoning at 1309 East 12th Street.

The subject property is also located within the boundaries of the East 11th and 12th Street Urban Renewal Area. The Urban Renewal Board considered the rezoning request and URP modification at their August 19, 2013, meeting and supported both items on a vote of 4-0-3. Please see page one of this report for detailed voting information.

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
E. 12 th Street	60'	40'	Minor Arterial	Yes, Both Sides	Route 6	Route 48

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NCCD-NP	Parking lot
<i>North</i>	CS-MU-NCCD-NP	Funeral services
<i>South</i>	LR-NP, SF-3-NP	Undeveloped, Single family residences
<i>East</i>	SF-3-NCCD-NP	Single family residence
<i>West</i>	LR-MU-NCCD-NP	Personal services

NEIGHBORHOOD ORGANIZATIONS:

Del Valle Community Coalition
 PODER
 Swede Hill Neighborhood Association
 Robertson Hill Neighborhood Coalition
 Austin Neighborhoods Council
 E. 12th Street Business/Property Owner Association
 United East Austin Coalition
 OCEAN

CITY COUNCIL DATE: October 3, 2013

ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin
 e-mail: heather.chaffin@austintexas.gov

PHONE: 974-2122

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STAFF RECOMMENDATION:

Staff recommends LR-MU-NCCD-NP zoning for the subject property. The proposed rezoning is a corrective action to address an error made when the NCCD ordinance was created in 2008. LR-MU-NCCD-NP would match the zoning at 1309 East 12th Street, the beauty/barber shop that is served by the parking lot on the subject tract.

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

1311 East 12th Street has been developed with a commercial land use since prior to development of the NCCD that is permitted in LR zoning.

2. *The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.*

The subject property was incorrectly zoned SF-3-NCCD-NP, and City policy provides for corrective rezonings.

SITE PLAN

SP1. Any new development is subject to design standards of the East 11th Street NCCD. Additional comments will be made when the site plan is submitted.

TRANSPORTATION

TR1. No additional right-of-way is needed at this time.

TR2. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day [LDC, 25-6-113].

TR3. There are existing sidewalks along East 12th Street.

TR4. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities exist along the adjoining streets as follows: East 12th Street serves route no. 48 with Bike Lanes.

TR5. Capital Metro bus service (route no 6) is available along East 12th Street with the nearest bus stop 60' west of the site on the southeast corner of East 12th Street and San Bernard Street.

TR6. Existing Street Characteristics:

<u>Name</u>	<u>ROW</u>	<u>Pavement</u>	<u>Classification</u>
E. 12th Street	60'	40'	Minor Arterial-2 Lanes (MNR 2)

ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

4. According to floodplain maps there is no floodplain within the project area.

5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.



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ORDINANCE NO. 20080228-087

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP TO ESTABLISH THE EAST 12TH STREET NEIGHBORHOOD CONSERVATION (NCCD) COMBINING DISTRICT FOR THE PROPERTY LOCATED GENERALLY ALONG EAST 12TH STREET FROM IH-35 AND BRANCH STREET TO POQUITO STREET IN THE CENTRAL EAST AUSTIN, ROSEWOOD, AND CHESTNUT NEIGHBORHOOD PLAN AREAS; AND TO MODIFY CERTAIN BASE DISTRICTS IN THE NCCD.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to establish the East 12th Street neighborhood conservation (NCCD) combining district and to add a NCCD to each base zoning district within the property and to change the base zoning districts on 18 tracts of land on the property described in Zoning Case No. C14-06-0209, on file at the Neighborhood Planning and Zoning Department, as follows:

Approximately 23 acres of land, more or less, consisting of three subdistricts, lying within the Central East Austin, Rosewood, and Chestnut neighborhood plan areas, more particularly described and identified in the attached Exhibit "A" incorporated into this ordinance, and as follows, (the "Property"),

- a. Subdistrict 1, also known as Tract One, being the area on the northside of East 12th Street from IH-35 to the northwest corner of Olander Street.
- b. Subdistrict 2, also known as Tracts 2-10, the east portion of Tract 15, and Tracts 16-18, being the areas along the northside of East 12th Street from the northeast corner of Olander Street to Poquito Street, the southwest and southeast corners of Comal Street and East 12th Street, and the southside of East 12th Street between Comal Street and Poquito Street.
- c. Subdistrict 3, also known as Tracts 11-14, and the west portion of Tract 15, being the areas along the southside of East 12th Street between Branch Street and Comal Street, not including the southwest corner of Comal Street and East 12th Street;

generally known as the East 12th Street neighborhood conservation-neighborhood plan combining district, locally known as the area bounded by East 12th street from IH-35 and

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Branch Street to Poquito Street, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The base zoning of the 18 tracts shown in the chart below are changed from family residence-neighborhood plan (SF-3-NP) combining district, multifamily residence medium density-neighborhood plan (MF-3-NP) combining district, multifamily residence moderate high density-neighborhood plan (MF-4-NP) combining district, multifamily residence moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district, neighborhood commercial-neighborhood plan (LR-NP) combining district, community commercial-neighborhood plan (GR-NP) combining district, community commercial-historic-neighborhood plan (GR-H-NP) combining district, community commercial-mixed use-historic-neighborhood plan (GR-MU-H-NP) combining district, general commercial services-neighborhood plan (CS-NP) combining district, general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district, general commercial services-historic-neighborhood plan (CS-H-NP) combining district, general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district, general commercial services-mixed use-historic-neighborhood plan (CS-MU-H-NP) combining district, and commercial-liquor sales-neighborhood plan (CS-1-NP) combining district to family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district, multifamily residence medium density-neighborhood conservation combining district-neighborhood plan (MF-3-NCCD-NP) combining district, multifamily residence moderate high density-neighborhood conservation combining district-neighborhood plan (MF-4-NCCD-NP) combining district, neighborhood commercial-neighborhood conservation combining district-neighborhood plan (LR-NCCD-NP) combining district, community commercial-neighborhood conservation combining district-neighborhood plan (GR-NCCD-NP) combining district, community commercial-mixed use-neighborhood conservation combining district-neighborhood plan (GR-MU-NCCD-NP) combining district, community commercial-mixed use-historic-neighborhood conservation combining district-neighborhood plan (GR-MU-H-NCCD-NP) combining district, general commercial services-mixed use-neighborhood conservation combining district-neighborhood plan (CS-MU-NCCD-NP) combining district, general commercial services-historic-neighborhood conservation combining district-neighborhood plan (CS-H-NCCD-NP) combining district, general commercial services-mixed use-conditional overlay-neighborhood conservation combining district-neighborhood plan (CS-MU-CO-NCCD-NP) combining district, general commercial services-mixed use-historic-neighborhood conservation combining district-neighborhood plan (CS-MU-H-NCCD-NP) combining district, and commercial-liquor sales-mixed use-neighborhood conservation combining district-neighborhood plan (CS-1-MU-NCCD-NP) combining district, as more particularly described and identified in the chart below.

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Tract	Address	Subdistrict	Current Zoning	Proposed Zoning
1	800 – 950 E 12th Street (even numbers)	1	CS-NP	CS-MU-NCCD-NP
2	1000-1028 E 12th Street (even numbers)	2	CS-NP	CS-MU-NCCD-NP
3	1100-1150 E 12th Street (even numbers)	2	CS-NP	CS-MU-NCCD-NP
4	1200-1250 E. 12th Street (even numbers)	2	CS-NP	CS-MU-NCCD-NP
5a	1300-1310 E. 12th Street (even numbers)	2	CS-NP	CS-MU-NCCD-NP
5b	1320-1350 E. 12th Street (even numbers)	2	MF-4-CO-NP	CS-MU-NCCD-NP
6a	1400 E 12th Street	2	CS-MU-NP	CS-MU-NCCD-NP
6b	1406-1410 E 12th Street (even numbers)	2	CS-NP	CS-MU-NCCD-NP
6c	1416 E. 12th Street	2	CS-H-NP	CS-H-MU-NCCD-NP
6d	1204 & 1206 Comal (even numbers)	2	CS-NP	CS-MU-NCCD-NP
7	1500-1625 E 12th Street (even numbers)	2	CS-NP	CS-MU-NCCD-NP
8a	1700-1702 & 1720 E 12th St	2	CS-NP	CS-MU-NCCD-NP
8b	1704-1706 E. 12th Street (even numbers)	2	CS-H-NP	CS-H-NCCD-NP
9a	1800-1806 E. 12th Street (even numbers)	2	CS-NP	CS-MU-NCCD-NP
9b	1808-1812 E. 12th Street (even numbers)	2	CS-1-NP	CS-1-MU-NCCD-NP
9c	1208 Chicon St.	2	CS-NP	CS-MU-NCCD-NP
10	1900-1950 E 12th Street (even numbers)	2	CS-NP	CS-MU-NCCD-NP
11a	901 E 12th Street	3	GR-MU-H-NP	GR-MU-H-NCCD-NP
11b	903-905 E. 12th Street	3	SF-3-NP	SF-3-NCCD-NP
11c	909 E. 12th Street	3	CS-NP	CS-MU-NCCD-NP
11d	913 E. 12th Street	3	GR-NP	GR-MU-NCCD-NP
12	1001-1105 E. 12th Street (odd numbers)	3	CS-MU-NP	CS-MU-NCCD-NP
12	1107-1115 E. 12th Street (odd numbers)	3	CS-MU-H-NP	CS-MU-H-NCCD-NP
13	1121 E. 12th Street	3	CS-MU-CO-NP	CS-MU-CO-NCCD-NP
14a	1201-1251 E. 12th Street (odd numbers)	3	SF-3-NP	SF-3-NCCD-NP
14b	1197 Navasota St	3	SF-3-NP	SF-3-NCCD-NP
14c	1196-1198 San Bernard St	3	SF-3-NP	SF-3-NCCD-NP
15	1301 E 12th Street	3	SF-3-NP	SF-3-NCCD-NP
15b	1197-1199 San Bernard	3	SF-3-NP	SF-3-NCCD-NP
15c	1309 E 12th Street	3	LR-NP	LR-MU-NCCD-NP
15d	1315 E 12th Street	3	SF-3-NP	SF-3-NCCD-NP

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Tract	Address	Subdistrict	Current Zoning	Proposed Zoning
15e	1319 E. 12th Street	3	SF-3-NP	SF-3-NCCD-NP
15f	1401-1423 E. 12th Street (odd numbers)	3	MF-3-NP	MF-3-NCCD-NP
15g	1425 E. 12th Street	2	GR-NP	GR-MU-NCCD-NP
16a	1195 Comal & 1501 E. 12th Street	2	GR-H-NP	GR-MU-H-NCCD-NP
16b	1511 E. 12th Street	2	MF-4-NP	MF-4-NCCD-NP
16c	1517 E. 12th Street	2	MF-4-NP	MF-4-NCCD-NP
16d	1521-1651 E. 12th Street (odd numbers)	2	MF-4-NP	MF-4-NCCD-NP
17	1701-1851 E. 12th Street (odd numbers)	2	GR-NP	GR-MU-NCCD-NP
18	1901-1951 E. 12th Street (odd numbers)	2	CS-NP	CS-MU-NCCD-NP

PART 3. Except as specifically provided in Parts 4 and 5 of this ordinance, the Property may be developed and used in accordance with the regulations established for the applicable base district, the mixed use (MU) combining district, and other applicable requirements of the City Code.

PART 4. The applicable provisions of the City Code are modified in the East 12th Street NCCD as shown in the East 12th Street NCCD Plan (*the "NCCD Plan"*) attached as Exhibit "C" and incorporated into this ordinance. In the event of conflict with the base zoning district regulations, the NCCD Plan modifications control.

PART 5. Tracts 1-9, and Tracts 11-17 lie within the Central East Austin neighborhood plan combining district, Tract 10 lies within the Chestnut neighborhood plan combining district, and Tract 18 lies within the Rosewood neighborhood plan combining district. If the text of this ordinance and the exhibits conflict with Ordinances No. 001207-47, Ordinance No. 011213-42, or Ordinance No. 020110-17, the more restrictive provision shall control.

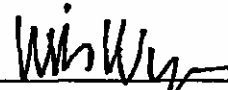
PART 6. This ordinance takes effect on March 10, 2008.

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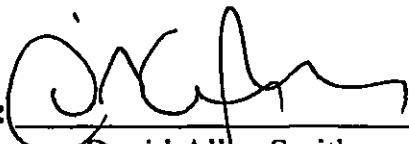
PASSED AND APPROVED

February 28, 2008

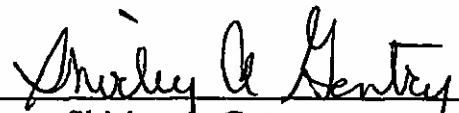
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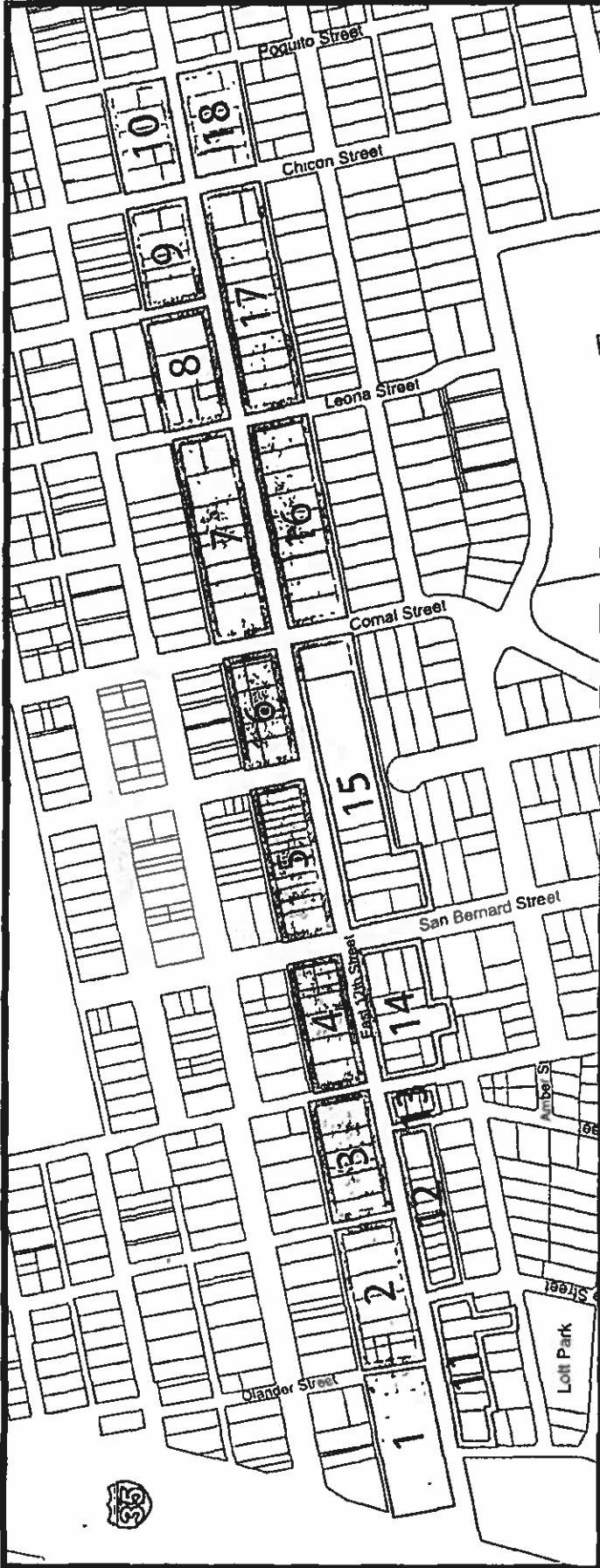

Will Wynn
Mayor

APPROVED:


David Allan Smith
City Attorney

ATTEST:


Shirley A. Gentry
City Clerk



Neighborhood Conservation Combining District (NCCD) Sub-Districts and Tracts for East 12th Street

- | | | | |
|--|----------------|--------------------------|--------------|
| <input type="checkbox"/> | Sub-District 1 | <input type="checkbox"/> | NCCD Tracts |
| - 60' Heights | | <input type="checkbox"/> | 1 |
| - Set Backs 10' rear setback with all other set backs provisions waived | | | Tract Number |
| - Impervious Cover - 90% (95% in instances where community detention not available and developer provides on-site detention) | | | |

- | | |
|--|----------------|
| <input type="checkbox"/> | Sub-District 2 |
| - 50' Heights | |
| - Set Backs 10' rear setback with all other set backs provisions waived | |
| - Impervious Cover - 90% (95% in instances where community detention not available and developer provides on-site detention) | |

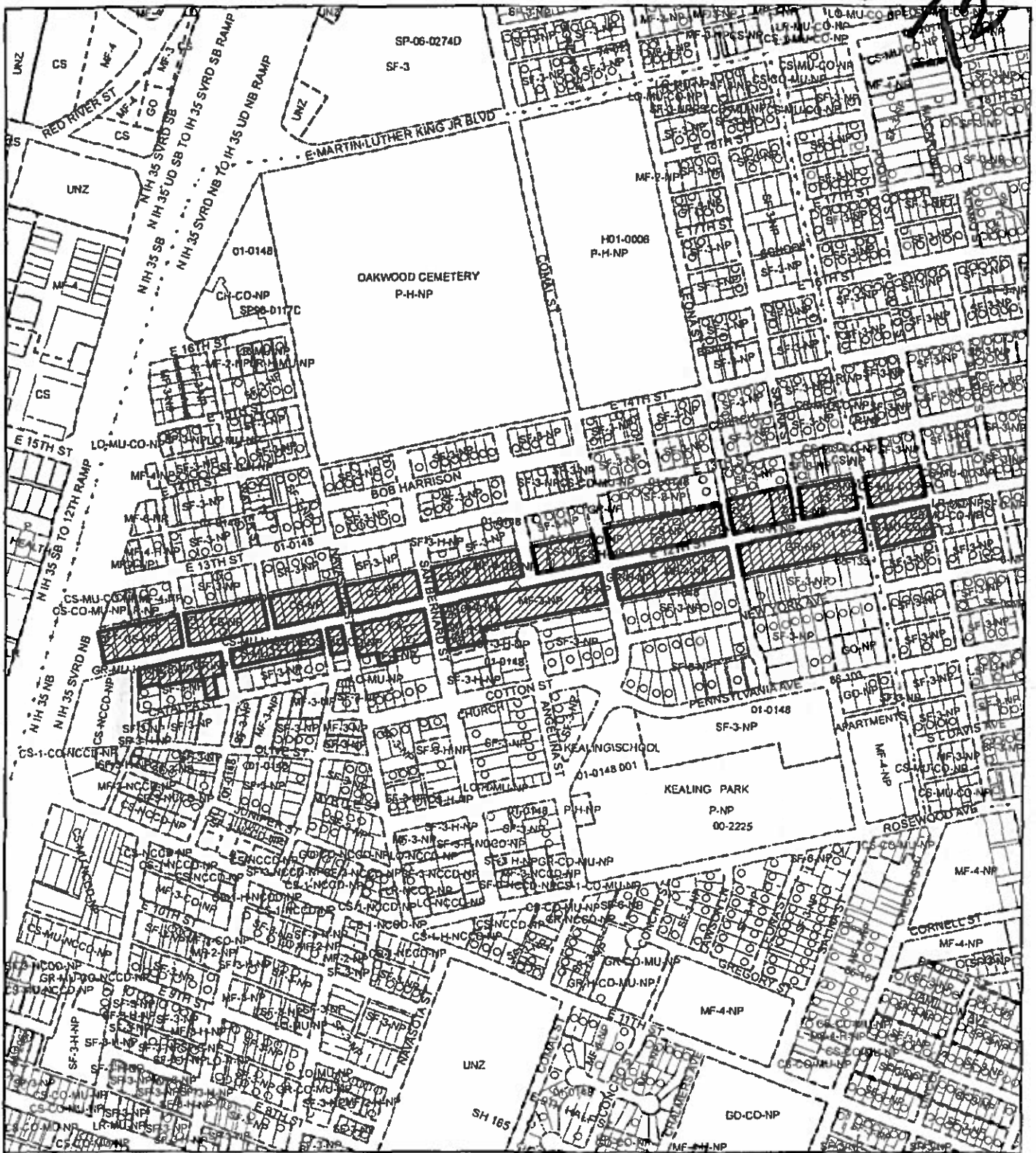
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|---|----------------|
| <input type="checkbox"/> | Sub-District 3 |
| - 35' Heights | |
| - Set Backs: 15' (front), 10' (street yard), 5' (interior side yard), 5' (rear) | |
| - Impervious Cover - 80% | |

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Prepared by the City of Austin
Neighborhood Housing and
Community Development Office
02-28-08

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- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE

OPERATOR S MEES

ZONING Exhibit B

ZONING CASE#	C14-06-0209
ADDRESS	800-1951 E 12TH ST
SUBJECT AREA	22.975 ACRES
GRID	K22
MANAGER	R. HEIL



1" = 600'

This map has been produced by GIS Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.